



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Work Session - Final-Amended City Council

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Monday, September 30, 2019

3:00 PM

City Council Chambers

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### 630 E. Hopkins - Work Session

I. Call To Order

II. Roll Call

### PRESENTATIONS

1. Receive a presentation by Brendan Cox, Director of Policing Strategies at the LEAD National Support Bureau, regarding a Law Enforcement Assisted Diversion (LEAD) Program, and provide direction to Staff.

### EXECUTIVE SESSION

2. Executive Session in accordance with the following Government Code Sections:
  - A. Section § 551.087 - Economic Development: to receive a staff briefing and deliberate regarding the creation of Hays County Municipal Utility District No. 8.
  - B. Section 551.087 - Economic Development: to receive a staff briefing and deliberate regarding Project World Series.
  - C. Section § 551.074 - Personnel Matters: discuss duties and responsibilities of the City Manager

III. Adjournment.

### VIII. ADDENDUM

The following items have been removed from the agenda since it was posted on September 20, 2019:

Previously Item #2:

Receive a Staff presentation and review the proposed Small Area Plan Program, and provide direction to Staff.

**POSTED ON TUESDAY, SEPTEMBER 24, 2019 @ 3:00PM**

**JAMIE LEE CASE, TRMC, CITY CLERK**

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# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Legislation Text

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**File #:** ID#19-592, **Version:** 1

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**AGENDA CAPTION:**

Receive a presentation by Brendan Cox, Director of Policing Strategies at the LEAD National Support Bureau, regarding a Law Enforcement Assisted Diversion (LEAD) Program, and provide direction to Staff.

**Meeting date:** September 30, 2019

**Department:** City Manager's Office

**Amount & Source of Funding**

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**Fiscal Note:**

**Prior Council Action:** Click or tap here to enter text.

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

N/A

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

- ☐ Economic Development - Choose an item.
- ☐ Environment & Resource Protection - Choose an item.
- ☐ Land Use - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☒ Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

**Background Information:**

This presentation will be presented by Brendan Cox, Director of Policing Strategies at the Law Enforcement Assisted Diversion (LEAD) National Support Bureau.

Chief (Ret.) Brendan Cox is the Director of Policing Strategies at the LEAD National Support Bureau, where he brings 23 years of experience in law enforcement and criminal justice reform. Brendan retired as Chief of Police from the Albany, NY police department in January of 2017. He was employed with the Albany police department for twenty-three years serving in many capacities throughout his career. After serving as a patrolman he was promoted to Sergeant in 1998 and oversaw a squad of patrol officers. He was promoted to Detective Sergeant in the Children and Family Services Unit. In 2004, he was promoted to Lieutenant and after serving a short time in charge of the Albany Police Department's Special Operations Unit returned as the Detective Lieutenant in charge of the Children and Family Services Unit. In November of 2006, he was promoted to Commander and oversaw the Detective Division. In June of 2008, he was promoted to Assistant Chief in charge of Operations. In October of 2013, he was promoted to Deputy Chief. On July 22, 2015, the Honorable Mayor Kathy M. Sheehan appointed Brendan to Chief of Police.

In 2016, under Brendan's leadership, the Albany police department was recognized by the Department of Justice as one of the top 15 police departments in the country as part of the COPS Advancing 21<sup>st</sup> Century Policing Initiative. This was a direct result of strategies that were implemented on community policing and procedural justice platforms aimed at building positive relationships with the community. Included in these strategies were the implementation of a Law Enforcement Assisted Diversion (LEAD) initiative, a Safeguarding Children of Arrested Parents training and protocol, and training around implicit bias for both police employees and the community. In the summer of 2018, Brendan was appointed by New York Governor, Andrew Cuomo, to serve as a member of the Workgroup to Draft Legislation for Regulated Adult-Use Marijuana Program.

Brendan has a Bachelor's of Science in Criminal Justice from the University of Dayton and a Master of Public Administration from Marist College. He is a graduate of the Police Executive Research Forum's Senior Management Institute for Police. He is a member of the New York State Juvenile Justice Advisory Group and an Executive Fellow with the Police Foundation. He sits on several local

board of directors including the Albany Police Athletic League and the LaSalle School of Albany.

Brendan owns and operates the Brendan J. Cox Criminal Justice Consulting LLC.

He and his wife Ann have two children, Connor and Spencer.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Click or tap here to enter text.

# Law Enforcement Assisted Diversion (LEAD)

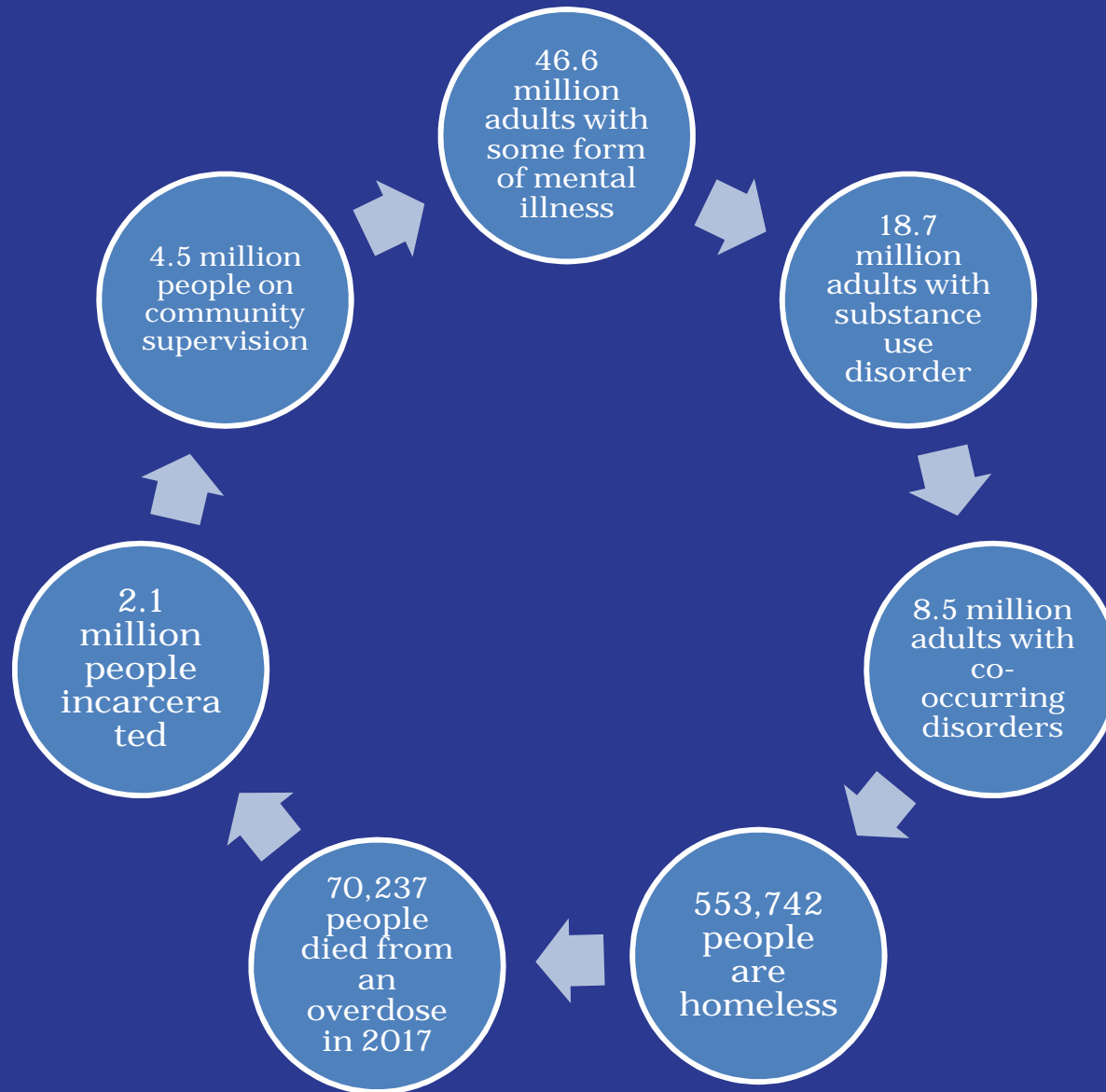
LEAD National Support Bureau

San Marcos City Council  
Work Session  
September 30, 2019

## What is LEAD?

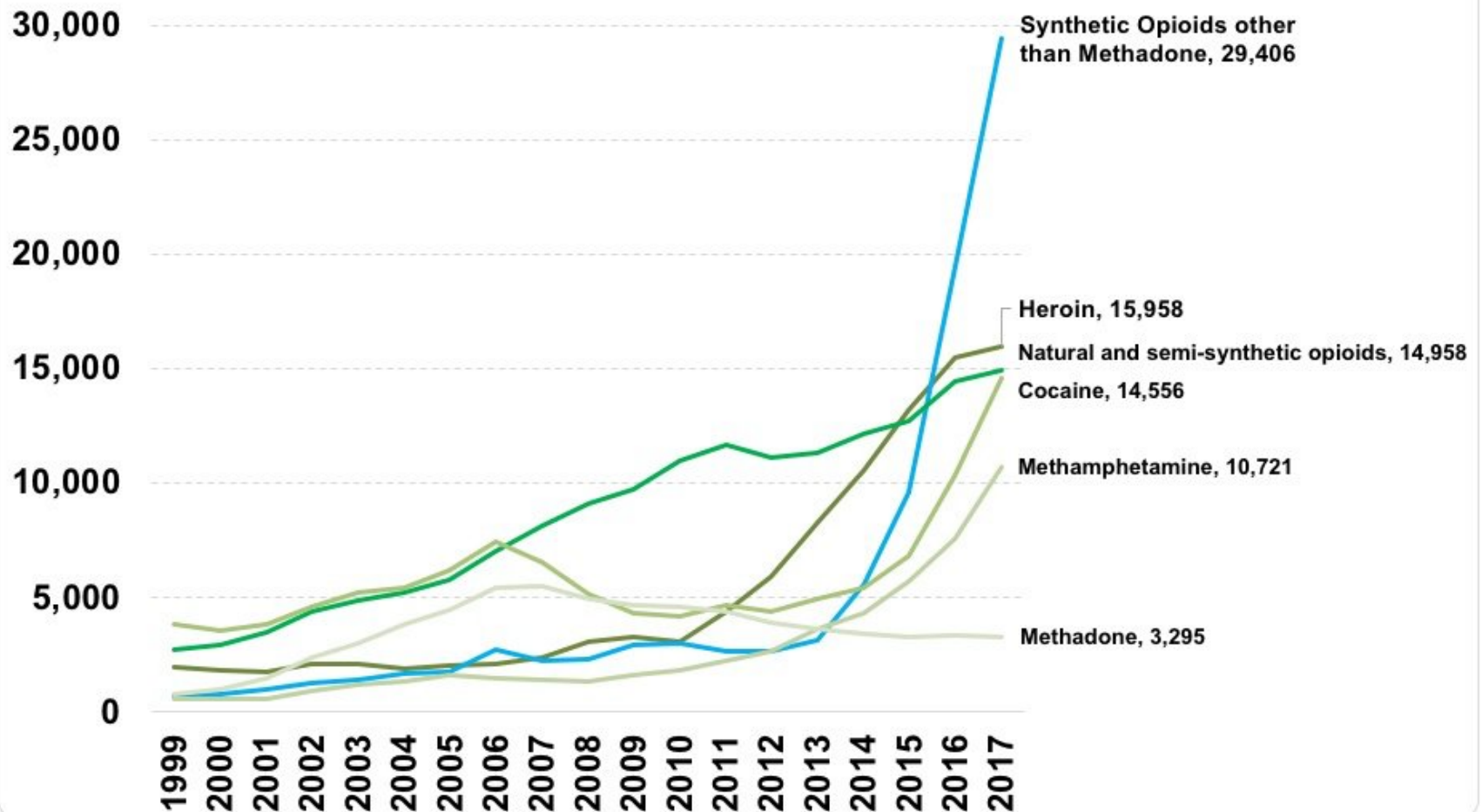
Law Enforcement Assisted Diversion (LEAD) is a community-based diversion approach with the goals of improving public safety and public order, and, reducing unnecessary justice system involvement of people who participate in the program.

# Public Health/Criminal Justice



# The Opioid Crisis

Drugs Involved in U.S. Overdose Deaths, 1999 to 2017



# The Traditional Response



# The Criminal Justice Approach

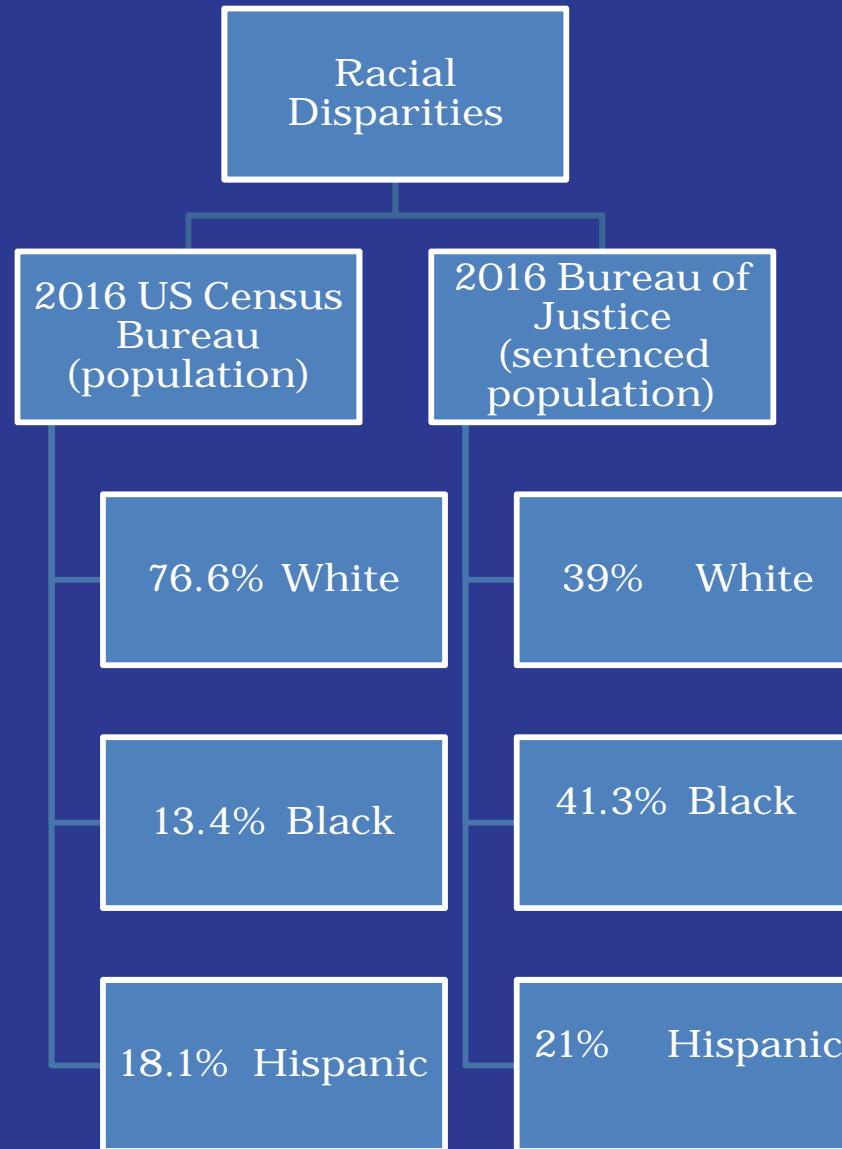
## Mass Incarceration

- The U.S. has the largest prison population in the world
- 2.2 Million in nations jails & prisons
- 5% world population vs 25% worlds incarcerated population

Incarceration for non-violent drug offenses increased from 50,000 in 1980 to over 400,000 in 1997.

- 700% increase
- Yet, the rate of drug use still increased

# The Criminal Justice Approach



# INCARCERATION'S FRONT DOOR: THE MISUSE OF JAILS IN AMERICA

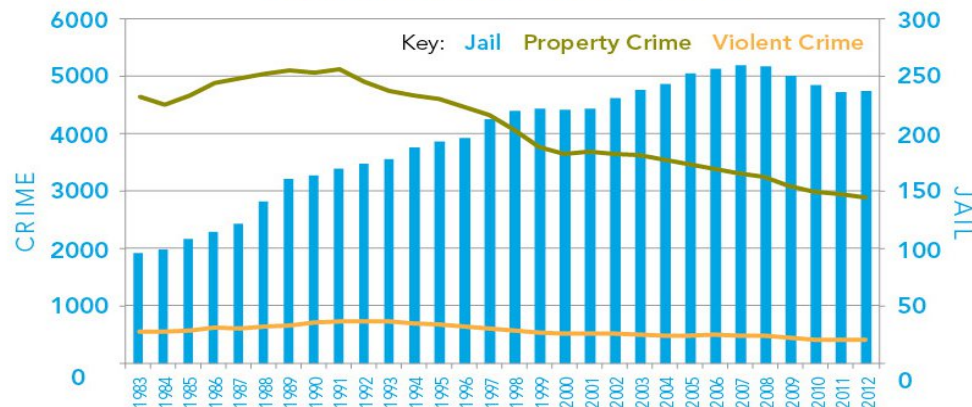
Jails have a much broader reach than prisons. Although state and federal prisons incarcerate, on any given day, about twice the number of people than jails, each year jails have close to 20 times more admissions than prisons.



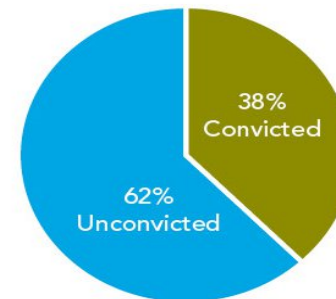
State & federal prisons: 631,000

Local jails: 11,700,000

Crime and jail rates per 100,000



While the country has grown safer since the early 1990s, an ever-larger proportion of the population is being sent to jail.

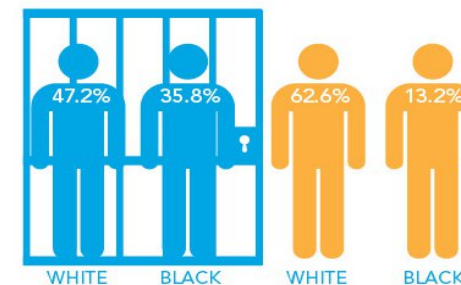


Three out of five people in jail are legally presumed innocent, awaiting trial or resolution of their cases through plea negotiation, and simply too poor to post even low bail.

Nearly 75 percent of people in jail are being held for nonviolent traffic, property, drug, or public order offenses.



Serious mental illness affects men and women in jail at rates four to six times higher than in the general population.



African Americans are jailed at almost four times the rate of white Americans.

**VERA**  
INSTITUTE OF JUSTICE  
www.vera.org

CENTER ON SENTENCING AND CORRECTIONS

Ram Subramanian et al. *Incarceration's Front Door: The Misuse of Jails in America*. New York, NY: Vera Institute of Justice, 2015.

# LEAD Origins

- The Seattle story
  - Years of litigation alleging discriminatory practices and policies surrounding drug enforcement
  - Seattle PD Captain asks “What would you have us do?”
  - Parties come together and develop LEAD

# LEAD Origins

The recognition that an adequate social safety net does not exist for public health issues.

The police have been tasked with responding to complex social issues.

The criminal justice system is not equipped to properly address these issues.

The traditional response has not worked.

# Core Components of LEAD

- Pre-arrest/pre-bookings diversion
- Officer Discretion
- Harm reduction philosophy
- Understanding that abstinence is not required
- Housing first model
- Trauma informed services
- Non-displacement

# LEAD

## Law Enforcement Assisted Diversion (LEAD)

- Community-based diversion program for people whose criminal activity is due to behavioral health issues
- Law enforcement is the primary portal
  - Arrest diversion
  - Social contact referral
- Recognition that the Criminal Justice System does not have the capacity to address behavioral health issues

# LEAD at Work

- What crimes do we divert:
  - Drug possession
  - Drug sales
  - Sex work
  - Crimes driven by addiction, mental illness, poverty, or homelessness
- Who are our participants:
  - People suffering from
    - Substance use disorders
    - Mental illness
    - Poverty
    - Homelessness

# Structure



# LEAD Case Management

- Harm Reduction Philosophy
- Participant-Identified and Driven
- Intensive/Street Based Case Management
- Non-Displacement
- Peer Outreach and Counseling
- Trauma Informed Care
- Specially Tailored Interventions
- Cultural Competency

# Harm Reduction

Harm reduction is a public health philosophy & intervention that seeks to reduce the harms associated with certain behaviors

Harm reduction seeks to “meet people where they are at.....but not leave them there”

As a person-centered approach, it is non-judgmental & seeks to support what the individual identifies as their needs

# Comparisons

LEAD in comparison to:

- Drug Court
- Pre-trial Diversion
- Self Referral Initiatives
- CIT
- Overdose Outreach Models

# Paradigm Shift

- Allows Police and Prosecutors to spend resources on more serious offenses
- Builds Legitimacy and Community Trust
- Facilitates the shift to using public health strategies for public health problems, including:
  - Trauma-informed engagement
  - Harm reduction
  - Housing First
  - Sustained relationships

# Goals of LEAD



## 1. REORIENT

government's response to safety, disorder, and health-related problems



## 2. IMPROVE

public safety and public health through research based, health-oriented and harm reduction interventions



## 3. REDUCE

the number of people entering the criminal justice system for low level offenses related to drug use, mental health, sex work, and extreme poverty



## 4. UNDO

racial disparities at the front end of the criminal justice system



## 5. SUSTAIN

funding for alternative interventions by capturing and reinvesting justice systems savings



## 6. STRENGTHEN

the relationship between law enforcement and the community

# Outcomes: Decreased Criminal Recidivism

Seattle	Santa Fe
LEAD participants were 58% less likely to be arrested after enrollment in the LEAD program in Seattle compared to those who went through the system as usual criminal justice processing.	LEAD participants had a 30% decrease in the number of arrests for new charges while arrests for new charges in the comparison group remained unchanged.

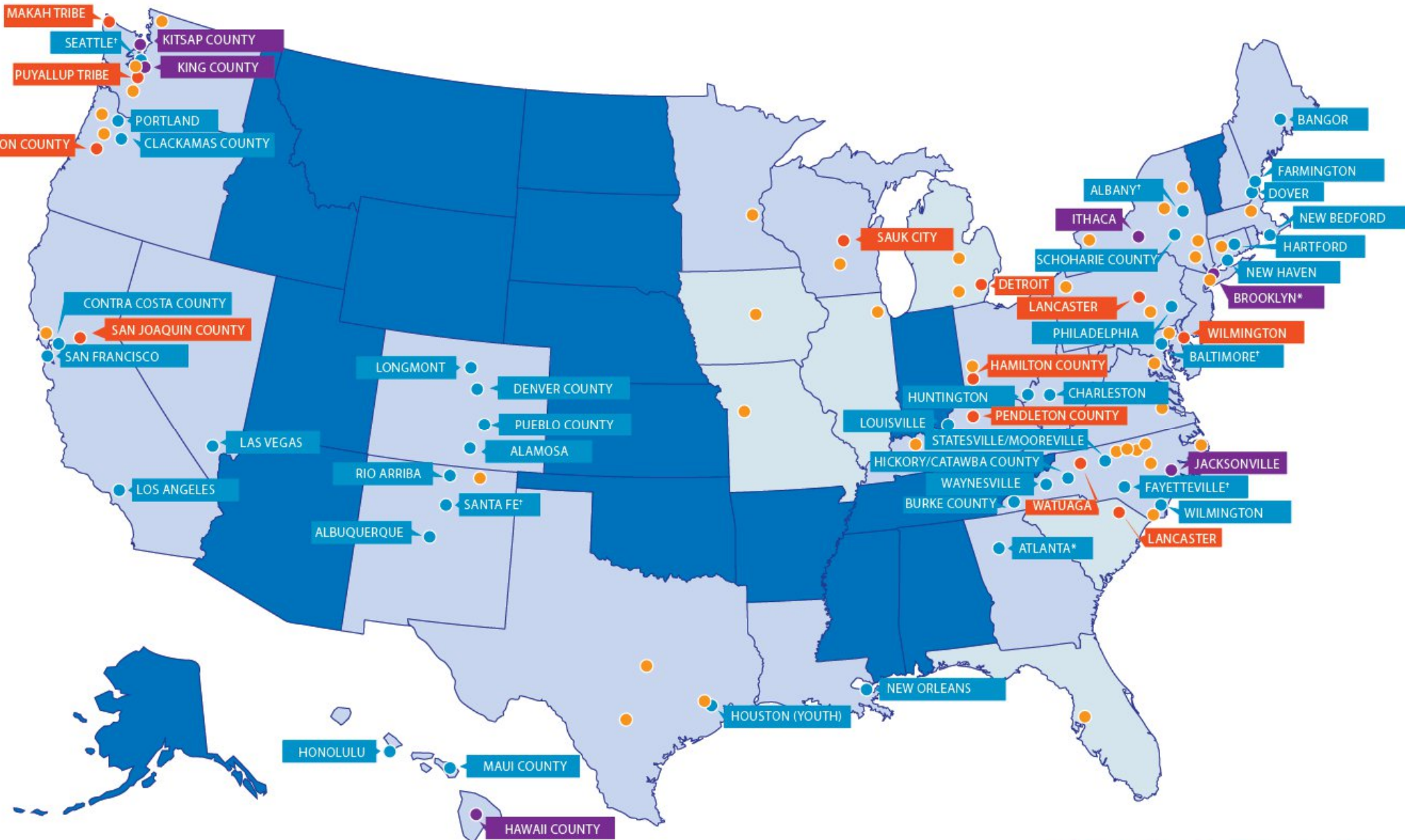
# Outcomes: Cost Savings

Seattle	Santa Fe
<p>\$33,274/person/year in system as usual</p> <p>vs.</p> <p>\$6,384/client/year in LEAD.</p>	<p>\$9,098/person/year in system as usual</p> <p>vs.</p> <p>\$4,371/client/year in LEAD</p>

# Outcomes: Impact on Participant

Seattle	Santa Fe
<ul style="list-style-type: none"><li>➤ 62% Increase in housing</li><li>➤ 46% More likely to be employed</li><li>➤ 33% More likely to have benefits</li><li>➤ Participants state LEAD has changed their lives</li><li>➤ Participants report positive relationship with police</li><li>➤ Participants stayed engaged because they were treated with dignity &amp; respect</li></ul>	<ul style="list-style-type: none"><li>➤ 57% Increase in housing</li><li>➤ 33% increase in employment</li><li>➤ 13% decrease in EMS calls and a 38% decrease in ED visits</li><li>➤ Participants state LEAD has changed their lives</li><li>➤ Participants report a more positive relationship with police</li><li>➤ Participants stayed engaged because they were treated with dignity &amp; respect</li></ul>

MAKAH TRIBE



\* Site certified by the LEAD  
National Support Bureau

\* Jurisdictions developing police diversion/  
deflection that are not called LEAD, but are  
in alignment with LEAD Core Principles.



As the United States addresses the urgent crisis of mass criminalization and incarceration, there is a clear need to find viable, effective alternatives, particularly at the front end by preventing people from entering the criminal justice system unnecessarily. This task requires assessing government's current response to safety, disorder, and health-related problems; critically re-examining the role that police officers are asked to play in our communities; and developing alternative-system responses independent of the justice system, while finding ways to improve relationships between the police and those they serve. Law Enforcement Assisted Diversion (LEAD) is a response to these gaps. LEAD uses police diversion and community-based, trauma-informed care systems, with the goals of improving public safety and public order, and reducing law violations by people who participate in the program.

## BACKGROUND

In 2011, in an attempt to move away from the War on Drugs paradigm and to reduce gross racial disparities in police enforcement, LEAD -- a new harm-reduction oriented process for responding to low-level offenses such as drug possession, sales, and prostitution -- was developed and launched in Seattle, WA. LEAD was the result of an unprecedented collaboration between police, prosecutors, civil rights advocates, public defenders, political leaders, mental health and drug treatment providers, housing providers and other service agencies, and business and neighborhood leaders -- working together to find new ways to solve problems for individuals who frequently cycle in and out of the criminal justice system under the familiar approach that relies on arrest, prosecution, and incarceration.

## WHAT IS LEAD?

In a LEAD program, police officers exercise discretionary authority at point of contact to divert individuals to a community-based, harm-reduction intervention for law violations driven by unmet behavioral health needs. In lieu of the normal criminal justice system cycle -- booking, detention, prosecution, conviction, incarceration -- individuals are instead referred into a trauma-informed intensive case-management program where the individual receives a wide range of support services, often including transitional and permanent housing and/or drug treatment. Prosecutors and police officers work closely with case managers to ensure that all contacts with LEAD participants going forward, including new criminal prosecutions for other offenses, are coordinated with the service plan for the participant to maximize the opportunity to achieve behavioral change.

LEAD holds considerable promise as a way for law enforcement and prosecutors to help communities respond to public order issues stemming from unaddressed public health and human services needs -- addiction, untreated mental illness, homelessness, and extreme poverty -- through a public health framework that reduces reliance on the formal criminal justice system.

## EVALUATION RESULTS

After three years of operation in Seattle, a 2015 independent, non-randomized controlled outcome study found that LEAD participants were 58% less likely to be arrested after enrollment in the program, compared to a control group that went through "system as usual" criminal justice processing. With significant reductions in recidivism, LEAD functions as a public safety program that has the potential to decrease the number of those arrested, incarcerated, and are otherwise caught up in the criminal justice system. Additionally, preliminary program data collected by case managers also indicate that LEAD improves the health and well-being of people struggling at the intersection of poverty and drug and mental health problems. And the multi-sector collaboration between stakeholders who are often otherwise at odds with one another demonstrates an invaluable process-oriented outcome that is increasingly an objective of broader criminal justice and drug policy reform efforts.

# GOALS AND CORE PRINCIPLES OF LEAD

LEAD advances six primary goals:



## 1. REORIENT

government's response to safety, disorder, and health-related problems



## 2. IMPROVE

public safety and public health through research based, health-oriented and harm reduction interventions



## 3. REDUCE

the number of people entering the criminal justice system for low level offenses related to drug use, mental health, sex work, and extreme poverty



## 4. UNDO

racial disparities at the front end of the criminal justice system



## 5. SUSTAIN

funding for alternative interventions by capturing and reinvesting justice systems savings



## 6. STRENGTHEN

the relationship between law enforcement and the community

Many components of LEAD can be adapted to fit local needs and circumstances. However, there are certain core principles that are essential in order to achieve the transformative outcomes seen in Seattle. These include LEAD's harm reduction/Housing First framework,

which requires a focus on individual and community wellness, rather than an exclusive focus on sobriety; and the need for rank and file police officers and sergeants to be meaningful partners in program design and operations.

## LEAD'S POTENTIAL FOR RECONCILIATION & HEALING

An unplanned, but welcome, effect of LEAD has been the reconciliation and healing it has brought to police-community relations. While tensions rise between law enforcement and community members and civil rights advocates, LEAD has led to strong alliances among traditional opponents in policy debates surrounding policing, and built a strong positive relationship between police officers and people on the street who are often a focus of police attention. Community public safety leaders rallied early and have remained staunch in their support for this less punitive, more effective, public-health-based approach to public order issues. LEAD begins to answer the pressing question of what the community wants from the police with regard to public order problems by introducing an alternative evidence-based model.

## REPLICATING THE LEAD MODEL NATIONALLY

Jurisdictions across the country are interested in replicating this transformative model. In 2014, Santa Fe, NM became the second jurisdiction to launch. In 2015 and 2016, Huntington, WV, Albany, NY and Fayetteville, NC followed. Dozens of jurisdictions are exploring LEAD programs, and those on pace to launch in 2017 include Baltimore, MD; Portland, OR; Thurston Co, WA, Madison, WI, San Francisco, Stockton and Los Angeles, CA; and several cities in North Carolina. LEAD-aligned programs are planned in Atlanta, GA and New Orleans, LA.

In July 2015, the White House hosted a National Convening on LEAD with interested delegations from nearly 30 jurisdictions including district attorneys, police chiefs, city council members, community police reform advocates, state legislators, and human service providers.



## Legislation Text

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**File #:** ID#19-591, **Version:** 1

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**AGENDA CAPTION:**

Executive Session in accordance with the following Government Code Sections:

- A. Section § 551.087 - Economic Development: to receive a staff briefing and deliberate regarding the creation of Hays County Municipal Utility District No. 8.
- B. Section 551.087 - Economic Development: to receive a staff briefing and deliberate regarding Project World Series.
- C. Section § 551.074 - Personnel Matters: discuss duties and responsibilities of the City Manager

**Meeting date:** 9/30/2019

**Department:** City Clerk's Office on behalf of the City Council

**Amount & Source of Funding**

**Funds Required:** [Click or tap here to enter text.](#)

**Account Number:** [Click or tap here to enter text.](#)

**Funds Available:** [Click or tap here to enter text.](#)

**Account Name:** [Click or tap here to enter text.](#)

**Fiscal Note:**

**Prior Council Action:** [Click or tap here to enter text.](#)

**City Council Goal:** [Please select goal from dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

- ☐ Economic Development - Choose an item.
- ☐ Environment & Resource Protection - Choose an item.
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- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.

☐ Transportation - Choose an item.

☐ Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

**Background Information:**

Click or tap here to enter text.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Click or tap here to enter text.